

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1, 8, 9, 15, 16, 20, 30 and 40 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the claim amendments may be found in the specification at least at page 43, lines 1-6, and page 46, line 18 – page 47, line 2. No new matter has been added.

Claims 4, 6, 7, 18 and 41 have been canceled without prejudice or disclaimer. Claims 5, 10, 12-13, 19, 21 and 23-29 were previously canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 1-3, 8-9, 11, 14-17, 20, 22, 30-40 and 42-44 will be pending in the present application, with claims 1, 15, 16, 30 and 40 being independent.

Applicants thank Examiner Beliveau for the courtesies extended to applicants' representative, Mr. Sung Kim, during a personal interview conducted at the USPTO on October 12, 2007. The substance of the interview is incorporated in the remarks that follow.

1. Claim Rejections under 35 U.S.C. 103

A. Rejections Based on Knudson et al. and Rasson et al.

Claims 15-18, 20, 22 and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (U.S. Patent No. 6,536,041) in view of Rasson et al. (U.S. Patent No. 6,137,549). Applicants respectfully traverse this rejection for at least the following reasons.

The Office Action on pages 13-14 asserts that Knudson et al. discloses wherein the first indicator corresponds to delivery of an alert that an event is about to occur in the televised sporting event (citing Figure 7).

Knudson et al. discloses a game screen 136 with game titles 138 for program listings for games in progress, which may have a current score 140 and information 142 on the status of the game (e.g., which quarter the game is in, time remaining, etc.). The current score and status

Amendment
Application Number: 09/904,409
Attorney Docket Number: 164052.03
Filing Date: July 12, 2001

information are obtained from real-time data provided by real-time data sources 30 (see col. 10, lines 43-51; Figure 7). The Office Action asserts that the system in Knudson et al. alerts a user that the 2nd quarter of the Bulls/Celtics game is nearing its end and that they can tune to watch the game. Therefore, the Office Action appears to be interpreting the program listing in Figure 7 of Knudson et al. for the Bulls/Celtics game, including its status and time remaining, as the delivery of an alert that an event is about to occur.

However, as discussed during the interview, Knudson et al. fails to disclose an alert that an event is about to occur, where the event is indicated as being of interest to a viewer. In other words, Knudson et al. fails to disclose alerts corresponding to certain items of interest to a viewer. For example, the present specification discloses an alert corresponding to a player in which the viewer may have a particular interest, such as a Fantasy player that is about to bat in another currently available sporting event (see page 46, line 18 – page 47, line 2). Consequently, Knudson et al. fails to disclose or suggest, at the sections cited by the Office Action or elsewhere, at least the elements of wherein the first event-based content comprises an alert that an event indicated as being of interest to a viewer is about to occur in the first one of the plurality of televised sporting events, as included in independent claim 15. Knudson et al. also fails to disclose or suggest similar elements included in independent claims 16 and 40. Rasson et al. fails to cure these defects in Knudson et al.

Rasson et al. discloses active lists 74 that are prioritized by factors such as expiration time, the number of messages remaining to be transmitted, the next scheduled message transmission time, the state of the list (e.g., whether all of the data for the list has expired), and an arbitrary priority assigned to each feed generator queue 76 (see col. 8, lines 10-16). However, Rasson et al. fails to disclose or suggest at least the elements of wherein the first event-based content comprises an alert that an event indicated as being of interest to a viewer is about to occur in the first one of the plurality of televised sporting events, as included in independent claim 15. Rasson et al. also fails to disclose or suggest similar elements included in independent claims 16 and 40.

Therefore, since Knudson et al. and Rasson et al., alone or in combination, fail to disclose

or suggest all of the elements of independent claims 15, 16 and 40, these claims are allowable.

Claims 17, 20, 22 and 37-39 depend from claim 16. Claims 42-44 depend from claim 40. As discussed above, claims 16 and 40 are allowable. For at least this reason, and the additional features recited therein, claims 17, 20, 22, 37-39 and 42-44 are also allowable.

Since claims 18 and 41 have been canceled, the rejection of these claims is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 15-18, 20, 22 and 40-44 under 35 U.S.C. 103 are respectfully requested.

B. Rejections Based on Knudson et al., Marshall et al. and Rasson et al.

Claims 1-4, 6-9, 11, 14, 30-34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. in view of Marshall et al. (U.S. Pub. No. 2002/0010697), and further in view of Rasson et al. Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Knudson et al. and Rasson et al., alone or in combination, fail to disclose or suggest an alert that an event is about to occur, where the event is indicated as being of interest to a viewer. As a result, Knudson et al. and Rasson et al., alone or in combination, fail to disclose or suggest at least the elements of the first indicator corresponds to a delivery of an alert that an event indicated as being of interest to a viewer is about to occur in the televised sporting event, as included in independent claim 1. Knudson et al. and Rasson et al. also fail to disclose or suggest similar elements included in independent claim 30. Marshall et al. fails to cure this defect in Knudson et al. and Rasson et al.

Marshall et al. is cited by the Office Action as teaching box scores of a sports game. However, Marshall et al. fails to disclose or suggest at least the elements of the first indicator corresponds to a delivery of an alert that an event indicated as being of interest to a viewer is about to occur in the televised sporting event, as included in independent claim 1. Marshall et al. also fails to disclose or suggest similar elements included in independent claim 30.

Additionally, in regards to claim 1, the Office Action on page 12 concedes that Knudson

et al. is silent with respect to the prioritization and subsequent distribution of content based on priorities. Rasson et al. and Marshall et al. fail to cure these defects in Knudson et al.

Rasson et al. discloses active lists 74 that are prioritized by factors such as expiration time, the number of messages remaining to be transmitted, the next scheduled message transmission time, the state of the list (e.g., whether all of the data for the list has expired), and an arbitrary priority assigned to each feed generator queue 76 (see col. 8, lines 10-16). However, as discussed during the interview, the prioritized delivery in Rasson et al. is directed only to program guide data (see abstract; col. 2, lines 1-3; col. 5, lines 16-18; Figure 3). Rasson et al. is completely silent as to different types of data feeds other than program guide data. Therefore, Rasson et al. also fails to disclose or suggest assigning different priority levels to different types of data feeds (e.g., real time data, television program data, Internet Protocol data). As discussed above, Marshall et al. is cited by the Office Action as teaching box scores of a sports game, and also fails to disclose assigning different priority levels to different types of data feeds. Therefore, Knudson et al., Marshall et al. and Rasson et al., alone or in combination, fail to disclose or suggest at least the elements of first, second and third priority levels assigned based on a determination of whether the indicators correspond to real time data, television program data, and Internet Protocol data, respectively, as included in claim 1.

Furthermore, the Office Action on page 13 asserts that Rasson et al. discloses the features of “each of the first, second, and third priority levels corresponds respectively to a time at which the associated first, second, or third indicator is to be transmitted to said at least one client system” (citing col. 8, lines 23-42). Applicants respectfully disagree.

Rasson et al. discloses steps involved in constructing messages 78 and distributing messages 78 to local systems 28 with each feed generator 52 (see col. 8, lines 23-42; Figure 5). The feed generator 52 may calculate the length of time the receivers 44 to which the complete message was transmitted will require to process the message and may update a busy receiver log accordingly. However, Rasson et al. does not disclose that different priority levels correspond to times at which indicators associated with the priority levels are to be transmitted to a client system. Therefore, Rasson et al., at the sections cited by the Office Action or elsewhere, fails to

disclose or suggest at least the elements of each of the first, second, and third priority levels corresponds respectively to a time at which the associated first, second, or third indicator is to be transmitted to said at least one client system, as included in claim 1.

Therefore, since Knudson et al., Marshall et al. and Rasson et al., alone or in combination, fail to disclose or suggest all of the elements of independent claims 1 and 30, these claims are allowable.

Claims 2-3, 8-9, 11, 14, 33-34 and 36 depend from claim 1. Claims 31-32 depend from claim 30. As discussed above, claims 1 and 30 are allowable. For at least this reason, and the additional features recited therein, claims 2-3, 8-9, 11, 14, 31-34 and 36 are also allowable.

Since claims 4, 6 and 7 have been canceled, the rejection of these claims is rendered moot.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1-4, 6-9, 11, 14, 30-34 and 36 under 35 U.S.C. 103 are respectfully requested.

C. Rejections Based on Knudson et al., Rasson et al. and Marshall et al.

Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. in view of Rasson et al. and in further view of Marshall et al. Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Knudson et al. and Rasson et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 16. Marshall et al. fails to cure this defect.

As discussed above, Marshall et al. is cited by the Office Action as teaching box scores of a sports game. However, Marshall et al. fails to disclose or suggest at least the elements of wherein the broadcast content of the first data feed comprises at least one alert notification associated with a broadcast sporting event that an event indicated as being of interest to a viewer is about to occur in the broadcast sporting event, as included in independent claim 16.

Therefore, since Knudson et al., Rasson et al. and Marshall et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 16, this claim is

allowable.

Claims 37-39 depend from claim 16. As discussed above, claim 16 is allowable. For at least this reason, and the additional features recited therein, claims 37-39 are also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 37-39 under 35 U.S.C. 103 are respectfully requested.

D. Rejections Based on Knudson et al., Marshall et al., Rasson et al. and Ward et al.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. in view of Marshall et al., in view of Rasson et al., and further in view of Ward et al. (WO 00/333576). Applicants respectfully traverse this rejection for at least the following reasons.

As discussed above, Knudson et al., Marshall et al. and Rasson et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 1. Ward et al. fails to cure this defect.

Ward et al. is cited by the Office Action as teaching box scores of a game currently in progress. However, Ward et al. fails to disclose or suggest at least the elements of the first indicator corresponds to a delivery of an alert that an event indicated as being of interest to a viewer is about to occur in the televised sporting event, as included in claim 1.

Therefore, since Knudson et al., Marshall et al., Rasson et al. and Ward et al., alone or in combination, fail to disclose or suggest all of the elements of independent claim 1, this claim is allowable.

Claim 35 depends from claim 1. As discussed above, claim 1 is allowable. For at least this reason, and the additional features recited therein, claim 35 is also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claim 35 under 35 U.S.C. 103 are respectfully requested.

2. Conclusion

Accordingly, in view of the above amendments and remarks, it is submitted that the

Amendment
Application Number: 09/904,409
Attorney Docket Number: 164052.03
Filing Date: July 12, 2001

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claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this response to the Notice of Non-responsive Amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

Amendment
Application Number: 09/904,409
Attorney Docket Number: 164052.03
Filing Date: July 12, 2001

PATENT

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

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Date: October 19, 2007

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Amendment
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